IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

MARION P. DEMOSS, BARBARA J.)	
GALYEN, and PATRICIA J. KELLEY,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:07-cv-0405
)	Judge Haynes
TERRY L. KRETZ, GEORGE THORPE,)	
and MICHAEL C. LYNN,)	
)	
Defendants.)	

DEFENDANT MICHAEL LYNN'S MOTION FOR A MORE DEFINITE STATEMENT

Comes now Defendant Michael C. Lynn, by and through counsel, pursuant to Federal Rule of Civil Procedure 12(e), and moves this Honorable Court to require Plaintiffs, Marion P. Demoss, Barbara J. Galyen, and Patricia J. Kelley (hereinafter "Plaintiffs"), to provide a more definite statement of their claims against Defendant Michael Lynn. In support of this Motion, Defendant Michael Lynn states as follows:

- 1. Plaintiffs' Complaint contains twenty-three (23) counts based upon several causes of action, including, but not limited to, fraud, conversion, violations of federal security laws, violations of Tennessee security laws, violations of Wisconsin security laws, and violations of California security laws.
- 2. In these twenty-three (23) counts, Plaintiffs occasionally refer to Defendant Michael Lynn by name and, in other counts, refer to Defendants Terry Kretz and/or George Thorpe individually. However, Plaintiffs' Complaint also occasionally refers to Defendants Kretz, Thorpe, and Lynn collectively as "Defendant Sellers." (Plaintiffs' Complaint, ¶ 17).

- 3. Plaintiffs' reference to the collective "Defendant–Sellers" in some counts of the Complaint and reference to individual defendants in other counts of the Complaint makes the Complaint ambiguous so that Defendant Michael Lynn cannot reasonably frame his answer.
- 4. Therefore, Defendant Michael Lynn respectfully moves this Honorable Court for an order that requires Plaintiffs to enter a more definite statement.
- 5. In further support of this motion, Defendants incorporate herein by reference Defendants' Memorandum of Law filed contemporaneous with this motion.

Respectfully submitted,

LEITNER, WILLIAMS, DOOLEY & NAPOLITAN, PLLC

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been served upon all counsel of record for the parties at interest in the case by electronic notification through the Court's CM/ECF System or by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope if any counsel of record is not signed on to CM/ECF to the following address:

John A. Beam, III, Esq. Kristin J. Fecteau, Esq. J. Mathew Sharp, Esq. BEAM & ROGERS, PLLC 709 Taylor Street P.O. Box 280240 Nashville, Tennessee 37228

This the 14th day of May, 2007.

By: s/ Thomas J. Dement II
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